

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

**PROCEDURAL ORDER
Governing the Format of Documents in Electronic Form
Pursuant to Rule 5.1.4 of the Local Rules of Civil Procedure**

Effective Date: May 17, 2004

1. Background

In order to better utilize the Electronic Case Filing ("ECF") system implemented by the United States District Court for the Eastern District of Pennsylvania, the court adopted Rule 5.1.2 of the Local Rules of Civil Procedure and Rule 1.2 of the Local Rules of Criminal Procedure, which incorporate by reference the Electronic Case Filing ("ECF") Procedural Order establishing practices and procedures for filing, signing, serving and verification of documents by electronic means, effective May 1, 2002.

The *Procedural Order Governing the Format of Documents in Electronic Form*, set forth herein, which was adopted by Resolution of the judges of the court on April 21, 2003, and which was last amended by Resolution of the judges on April 5, 2004, addresses the filing of documents in electronic format in those cases in which attorneys or parties do not file electronically using the ECF system, as set forth in Rule 5.1.4 of the Local Rules of Civil Procedure.

2. Scope of Procedural Order

(a) All complaints must be submitted on disk in portable document format (PDF) at the time of filing, so that the complaint may be entered into the District Court's ECF system, and must be accompanied by a courtesy copy of the complaint in paper format for use by the court; under this paragraph, all attorneys are required to complete the *Rule 5.1.4 Validation of Signature* form, as described in Paragraph (c) below;

(b) All documents filed subsequent to the complaint by attorneys who are not registered as ECF Filing Users, as defined in the *Procedural Order on Electronic Case Filing* referenced in Rule 5.1.2 of the Local Rules of Civil Procedure, must be submitted on disk in portable document format (PDF), so that the filings may be entered into the District Court's ECF system, and must be accompanied by a courtesy copy of the document in paper format for use by the court; under this paragraph, all attorneys are required to complete the *Rule 5.1.4 Validation of Signature* form, as described in Paragraph (c) below;

(c) attorneys who complete the *Rule 5.1.4 Validation of Signature* form will receive a signature code which must be used by the attorney on the signature line of all

courtesy copies submitted with a disk for purposes of signature validation pursuant to Rule 11 of the Federal Rules of Civil Procedure; the document as submitted under Local Rule 5.1.4 on disk will constitute the original document, except for those documents which are excluded from the provisions of Local Rule 5.1.4 as set forth in the *Procedural Order on Electronic Case Filing* and the *Procedural Order on Format of Documents in Electronic Form*; attorneys are required to have submitted a completed *Rule 5.1.4 Validation of Signature* form just once in order to file all complaints and documents in all subsequent cases in this court.

(d) Nothing in Rule 5.1.4 of the Local Rules of Civil Procedure or in the *Procedural Order Governing the Format of Documents in Electronic Form* shall preclude attorneys who complete the Rule 5.1.4 Validation of Signature form from also registering with the court's ECF system under Rule 5.1.2 of the Local Rules of Civil Procedure, nor preclude attorneys who are currently registered with the court's ECF system from completing a Rule 5.1.4 Validation of Signature form;

(e) Service of process will continue to be made in accordance with those provisions set forth in Rule 5 of the Federal Rules of Civil Procedure;

(f) For convenience of attorneys who do not have access to compatible hardware or software, a computer with PDF conversion capability is available in the Clerk's Offices at Philadelphia and Allentown, with assistance for PDF conversion provided by Clerk's Office staff as needed; attorneys who have reason for not providing this material on disk are required to notice the Clerk's Office in writing attached to the document, explaining the reason for not providing this material on disk;

(g) Attorneys who do not register to participate in the ECF program are requested to register and participate in the court's Program for Facsimile Service of Notice to Counsel or Litigants in Civil and Criminal Cases (the "Fax Noticing Program").

3. Excluded Documents and Cases

A list of types of documents and categories of cases, which are presently excluded from the provisions of this Procedural Order consistent with the policy of the Judicial Conference of the United States, as may be amended from time to time, is attached hereto and made a part of this Procedural Order.

4. Registration

All counsel are strongly encouraged to also participate in the court's Electronic Case Filing program under Rule 5.1.2 of the Local Rules of Civil Procedure. Attorneys who do not register to participate in the ECF program are strongly encouraged to register and participate in the court's Program for Facsimile Service of Notice to

Counsel or Litigants in Civil and Criminal Cases (the “Fax Noticing Program”).

ATTACHMENT A

Excluded Cases and Documents

As set forth in Section 3 of the court's *Procedural Order Governing the Format of Documents in Electronic Form*, the following categories of cases and types of documents, as may be amended from time to time, are presently excluded from the provisions of the Procedural Order, consistent with the policy of the Judicial Conference of the United States:

A. EXCLUDED CASES

1. Grand jury matters
2. Qui tam cases
3. Sealed cases

B. EXCLUDED DOCUMENTS

CIVIL CASES

1. Administrative records, including Social Security records.
2. All documents, including the initial complaint and initial habeas corpus petitions, including death penalty habeas corpus petitions, filed by prisoners and pro se litigants.
3. Bankruptcy appeal records.
4. Sealed documents.
5. State court records.
6. Transcript of any proceeding.
7. Discovery material, as set forth in Section I of the court's Procedural Order on Electronic Case Filing, referencing Rule 26.1 of the Local Rules of Civil procedure, *Discovery*, including:
 - a) interrogatories, requests for production and inspection and requests for admission under Rules 33, 34 and 36 of the Federal Rules of Civil Procedure;
 - b) answers, responses and objections to interrogatories and to Rules 34 and 36 of the Federal Rules of Civil Procedure;
 - c) requests, notices of depositions and depositions under Rules 30 and 31 of the Federal Rules of Civil Procedure.
8. Praecipe for Writ of Execution.
9. Applications for Writ of Continuing Garnishment.
10. Praecipe to Issue Writ of Revival.
11. Praecipe for Writ of Seizure.
12. Praecipe for Writ to Restore.

13. Civil Jury Verdict Sheets.
14. Civil Minute Sheets
15. Ex Parte Motions

CRIMINAL CASES

1. Indictments and Informations
2. Sealed documents.
3. Transcript of any proceeding.
4. All documents requiring the signature of a defendant in a criminal or magistrate proceeding, such as waiver of indictment, waiver of presentence report, waiver of a jury trial, plea agreement, appearance bond, affidavit, and financial affidavit.
5. Criminal Jury Verdict Sheets.
6. Presentence Reports and any objections or other documents filed related to the Presentence Reports.
7. Criminal Minute Sheets
8. Judgment and Commitment Orders
9. Ex parte Motions